

Notice of Allowability

Application No.

10/782,363

Applicant(s)

LEPILLEUR ET AL.

Examiner

Zachary C. Tucker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1 June 2006.
2. ☒ The allowed claim(s) is/are 1-3,5 and 38.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date ____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

Response to Amendment

As requested by applicants in the correspondence filed 1 June 2006 (hereinafter "present amendment"), which is in reply to the Office action mailed 1 March 2006 (hereinafter "previous Office action"), claims 1-3 and 5 have been amended, claims 4 and 6-36 have been cancelled, and new claim 38 has been added. Page 74 of the specification, at the paragraph beginning at line 8 has also been amended as requested.

Election/Restrictions

By virtue of the present amendment, all of the non-elected claims have been cancelled.

Status of Claim Rejections - 35 USC § 101

In the previous Office action, claims 7-9 were rejected under 35 U.S.C. 101, as being drawn to nonstatutory, unpatentable subject matter. The rejection is rendered moot by present amendment canceling claims 7-9.

Status of Claim Rejections - 35 USC § 112

In the previous Office action, claims 1-5 and 7-9 were rejected under the second paragraph of 35 U.S.C. 112, for indefiniteness on various grounds. Since claims 4 and 7-9 have been cancelled, the rejection of those claims under this statute is rendered moot.

In view of the present amendment to claims 1-3 and 5, the rejection of those claims under this statute is hereby withdrawn.

Pages 3-9 of the previous Office action provide the reasons for the finding of indefiniteness. Each issue has satisfactorily been addressed by applicants' amendment.

Applicants' comment that the reference to "*m* and *n* is a repeat unit of from about 7 to about 150" in claim 2 was erroneous is acknowledged; that comment should have been directed to claim 3, since the phrase did not appear in claim 2.

Status of Claim Rejections - 35 USC § 102

In the previous Office action, claims 1-5 were rejected under 35 U.S.C. 102(b) as being anticipated by US 3,658,741 (Knutson and Dench).

Cancellation of claim 4 has rendered the rejection of that claim under this statute moot.

In view of the present amendment to claim 1, which now requires the copolymer specified in that claim, as well as the polymer (formerly "toughener polymer") to follow the formula designated as "X¹," the rejection based on Knutson and Dench is hereby withdrawn. Knutson and Dench does not disclose a reaction product of a Formula X¹ trithiocarbonate copolymer and an unsaturated monocarboxylic acid.

Allowable Subject Matter

Claims 1-3, 5 and 38 are allowed.

All previously stated claim rejections have been overcome by amendment; the presently claimed vinyl ester according to the invention is novel and unobvious over the prior art, as summarized at page 12 of the previous Office action.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

All Post-Allowance Correspondence concerning this application must be mailed to:

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Or you can fax them to the Office of Patent Publications at 703-872-9306, in order to expedite the handling of such correspondence as amendments under 37 CFR 1.312; information disclosure statements, and formal

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drawings. Sending Post-Allowance papers to Technology Center 1600 will only cause delays in matching papers with the case.

For information concerning status of correspondence sent after receipt of the Notice of Allowance, please contact the Correspondence Branch at (703) 305-8027. The Notice of Allowance also has an insert containing contact information on other items, including Issue Fees, receipt of formal drawings and the status of the application.

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